LOCAL BANKRUPTCY FORM 3015-1

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	CHAPTER 13
JAMES E. BEASTON, JR.	CASE NO. 1:19-BK-00681-HWV
	☐ ORIGINAL PLAN 1st AMENDED PLAN (indicate 1 st , 2 nd 3 rd , etc.)
	5 number of Motions to Avoid Liens0 number of Motions to Value Collateral

CHAPTER 13 PLAN

NOTICES

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The Plan contains nonstandard provisions, set out in §9, which are not included in the standard Plan as approved by the US Bankruptcy Court for the Middle District of Pennsylvania.		⊠ Not Included
2	The Plan contains a limit on the amount of a secured claim, set out in §2.E, which may result in a partial payment or no payment at all to the secured creditor.		⊠ Not Included
3	The Plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in §2.G.	⊠ Included	☐ Not Included

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this Plan, you must file a timely written objection. This Plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the Plan.

1. PLAN FUNDING AND LENGTH OF PLAN

A. Plan Payments from Future Income

1. To date, the Debtor paid \$2,400.00 (\$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the Plan the following payments. If applicable, in addition to monthly Plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base Plan is \$41,388.00 plus other payments and property stated in \$1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
09/2019	02/2024	\$722.00	\$0.00	\$722.00	\$41,388.00
				Total Payments:	\$41,388.00

- 2. If the Plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payment and the Plan funding. Debtor must pay all post-petition mortgage payments that have come due before the initiation of conduit mortgage payments.
- 3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the Plan.

4. CHECK ONE:

□ Debtor is at or under median income. *If this line is checked, the rest of §1.A.4 need not be completed or reproduced.*

☑ Debtor is over median income. Debtor estimates that a minimum of \$72,048.60 must be paid to allowed unsecured creditors in order to comply with the Means Test.

B. Additional Plan Funding from Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$4,849.00. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances is before the deduction of Trustee fees and priority claims.)

CHECK ONE:

 \boxtimes No assets will be liquidated. If this line is checked, the rest of §1.B need not be completed or reproduced.

☐ Certain assets will be liquidated as follows:

- 2. In addition to the above specified Plan payments, Debtor shall dedicate to the Plan proceeds in the estimated amount of \$0.00 from the sale of property known and designated as . All sales shall be completed by , 20 . If the property does not sell by the date specified, then the disposition of the property shall be as follows:
- 3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows:

2. SECURED CLAIMS

A. Pre-Confirmation Distributions Check One

 \boxtimes None. If "None" is checked, the rest of §2.A need not be completed or reproduced. \square Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a Proof of Claim has been filed as

soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment

- 1. The Trustee will not make a partial payment. If the Debtor makes a partial Plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
- 2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this Plan.

B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor Check One

 \square None. If "None" is checked, the rest of §2.B need not be completed or reproduced. \boxtimes Payments will be made by the Debtor directly to the Creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties.

All liens survive the Plan if not avoided or paid in full under the Plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
M&T Bank	517 Sandra Avenue Harrisburg, PA 17109	4833
OneMain Financial	2012 Hyundai Elantra	3584

C. Arrears (Including, but not limited to, Claims Secured by Debtor's Principal Residence) Check One

 \square None. If "None" is checked, the rest of §2.C need not be completed or reproduced.

⊠ The Trustee shall distribute to each Creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the Creditor as to that collateral shall cease, and the claim will no longer be provided for under §1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre- Petition Arrears to be Cured	Estimated Post-Petition Arrears to be Cured	Estimated Total to be Paid in Plan
M&T Bank	517 Sandra Avenue Harrisburg, PA 17109	\$179.20	\$0.00	\$179.20

D. Other Secured Claims (Conduit Payments and Claims for Which a §506 Valuation is Not Acceptable, etc.) Check One

\bowtie N	None.	IJ	"None	" is o	checked,	the	rest o	f's	(2.L)) neea	l not	be	compl	letea	or	reproa	lucea	!.
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- ☐ The claims below are secured claims for which a §506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition dated and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.
- The allowed secured claims listed below shall be paid in full and their liens retained until the earlier
 of the payment of the underlying debt determined under nonbankruptcy law discharge under §1328
 of the Code.
- 2. In addition to payments of the allowed secured claim, present value interest pursuant to 11 U.S.C §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the Court will determine the present value interest rate and amount at the Confirmation Hearing.
- 3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan

E. Secured Claims for Which a §506 Valuation is Applicable Check One

None. If "None" is checked, the rest of §2.E need not be completed or reproduced.

□ Claims listed in the subsection are debts secured by property not described in §2.D of this Plan. These claims will be paid in the Plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code. The excess of the Creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the Plan or Debtor will file an adversary or other action (select method in last column). To the extent not already determined, the amount, extent or validity or the allowed secured claim for each claim listed below will be determined by the Court at the Confirmation Hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary, or Other Action
					Choose an item.

F. Surrender of Collateral Check One

⊠ None. *If "None" is checked, the rest of §2.F need not be completed or reproduced.*

□ The Debtor elects to surrender to each Creditor listed below in the collateral that secures the Creditor's claim. The Debtor requests that upon confirmation of this Plan or upon approval of any modified plan, the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered

G. <u>Lien Avoidance</u> Do not use for mortgages or for statutory liens, such as tax liens. Check One of the Following Lines

 \square None. If "None" is checked, the rest of §2.B need not be completed or reproduced.

 \Box The Debtor moves to void the following judicial and/or nonpossessory, nonpurchase money liens of the following creditors pursuant to $\S522(f)$ (this \S should not be used for statutory or consensual liens such as mortgages).

Name of Lien Holder	Cavalry SPV I, LLC	Capital One Bank (USA), NA	Midland funding, LLC
Lien Description	Judicial Lien	Judicial Lien	Judicial Lien

for Judicial Liens, include court and docket	Dauphin County	Dauphin County	Dauphin County
number	Court of Common	Court of Common	Court of Commons
	Pleas	Pleas	Pleas
	2017-CV-06488-NT	2018-CV-03811-NT	2018-CV-06179-NT
	517 Sandra Avenue	517 Sandra Avenue	517 Sandra Avenue
Description of Liened Property	Harrisburg, PA	Harrisburg, PA	Harrisburg, PA
	17109	17109	17109
Liened Asset Value	\$144,000.00	\$144,000.00	\$144,000.00
Sum of Senior Liens	\$122,631.00	\$122,631.00	\$122,631.00
Exemption Claim	\$23,675.00	\$23,675.00	\$23,675.00
Amount of Lien	\$6,109.94	\$2,302.68	\$1,405.57
Amount Avoided	\$6,109.94	\$2,302.68	\$1,405.57

Name of Lien Holder	New Century	Portfolio Recovery	
	Financial Services,	Associates, LLC	
	Inc.		
Lien Description	Judicial Lien	Judicial Lien	
for Judicial Liens, include court and docket	Dauphin County	Dauphin County	
number	Court of Common	Court of Common	
	Pleas	Pleas	
	2015-CV-04167-NT	2017-CV-00619-CV	
Description of Liened Property	517 Sandra Avenue	517 Sandra Avenue	
	Harrisburg, PA	Harrisburg, PA	
	17109	17109	
Liened Asset Value	\$144,000.00	\$144,000.00	
Sum of Senior Liens	\$122,631.00	\$122,631.00	
Exemption Claim	\$23,675.00	\$23,675.00	
Amount of Lien	\$3,025.08	\$6,963.19	
Amount Avoided	\$3,025.08	\$6,963.19	

3. PRIORITY CLAIMS

A. Administrative Claims

- 1. <u>Trustee's Fees</u>. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
- 2. Attorney's Fees. Complete Only One of the Following Options
 - a. In addition to the retainer of \$370.00 already paid by the Debtor, the amount of \$3,630.00 in the Plan. This represents the unpaid balance of the presumptively reasonable fee specified in LBR 2016-2(c); or
 - b. \$0.00 per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between Debtor and the Attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to LBR 2016-2(b).
- 3. Other. Other administrative claims not included in §§3.A.1 or 3.A.2 above. *Check One*
 - \boxtimes None. If "None" is checked, the rest of §3.A.3 need not be completed or reproduced.
 - ☐ The following administrative claims will be paid in full:

	Name of Cr	E	stimated Total	Payment				
В.		g certain Domestic Support (in full unless m	nodified under §9		
	Name of Cr	reditor		E	stimated Total	Payment		
C.	C. Domestic Support Obligations Assigned to or Owed to a Governmental Unit Under 11 U.S.C. §507(1)(a)(B) Check One ⊠ None. If "None" is checked, the rest of §3.C need not be completed or reproduced. □ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. This Plan provision requires that payments in §1.A be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).							
	Name of Creditor					Estimated Total Payment		
	 ✓ None. If "None" is chec ☐ To the extent that funds co-signed unsecured debts, 	priority Creditors Specially cked, the rest of §4.A need not are available, the allowed are will be paid before other, unded below. If no rate is stated	be compount of classifie	oleted or the follo	reproduced. owing unsecured claims. To	he claim shall be		
Na	me of Creditor	Reason for Special Classification				Estimated Total Payment		
	payment of other classes. UTORY CONTRACTS AN ⊠ None. If "None" is check	ND UNEXPIRED LEASES (cked, the rest of §5 need not be and leases are assumed (and ar	Check O	ne eted or re	eproduced.			

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Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject
						Choose an item.

6. VESTING OF PROPERTY OF THE ESTATE

Prop	erty of the	e estate will	vest in	the Debtor	upon: C	heck the A	Applicable Line
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☐ Plan Confirmation
☐ Entry of Discharge

7. **DISCHARGE** Check One

X	The	Debtor	will see	ek a discl	narge	pursuant to) §1328(a	.).						
	The	Debtor	is not	eligible	for a	discharge	because	the	Debtor	has	previously	received	a	discharge
de	scribe	ed in §1	328(f).											

8. ORDER OF DISTRUBITION

If a pre-petition Creditor files a secured, priority or specifically classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the Plan will be made by the Trustee in the following order:

Level 1:		
Level 2:		
Level 3:		
Level 8:		

If the above levels are filled in, the rest of §8 need not be completed or produced. If the above levels are not filled-in, then the Order of Distribution of Plan payments will be determined by the Trustee using the following as a guide:

Level 1: adequate protection payments

Level 2: Debtor's attorney's fees

Level 3: Domestic Support Obligations

Level 4: priority claims, pro rata

Level 5: secured claims, pro rata

Level 6: specifically classified unsecured claims

Level 7: timely filed general unsecured claims

Level 8: untimely filed general unsecured claims to which the Debtor has not objected

9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the Plan is void. (NOTE: The Plan and any attachment must be filed as one document, not as a Plan and Exhibit.)

8/28/2019	/s/ Paul D. Murphy-Ahles
Dated:	
	Attorney for Debtor
	/s/ James E. Beaston, Jr.
	Debtor 1

By filing this document, the Debtor, if not represented by an Attorney, or the Attorney for Debtor also certifies that this Plan contains no nonstandard provisions other than those set out in §9.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

James E. Beaston, Jr. **Debtor 1**

Chapter 13

Case No. 1:19-BK-00681-HWV

Matter: First Amended Plan

NOTICE

Notice is hereby given that:

The Debtor(s) filed a Chapter 13 Bankruptcy Petition on **February 18, 2019**.

A hearing on the above-referenced matter has been scheduled for:

United States Bankruptcy Court Ronald Reagan Federal Building Bankruptcy Courtroom (3rd Floor) Third & Walnut Streets Harrisburg, PA 17101

Date: October 9, 2019

Time: 9:30 AM

Desc

Any objection/response to the above-referenced matter must be filed and served on or before October 2, 2019.

Evidentiary hearings will not be conducted at the time of the Confirmation Hearing. If it is determined at the Confirmation Hearing that an evidentiary hearing is required, an evidentiary hearing will be scheduled for a future date.

A copy of the Plan is enclosed with this Notice. A copy may also be obtained from the case docket through PACER or from the Bankruptcy Clerk's Office.

Request to participate in a hearing telephonically shall be made in accordance with Local Bankruptcy Rule 9074-1(a).

Date: September 4, 2019

Paul D. Murphy-Ahles, Esquire PA ID No. 201207 DETHLEFS PYKOSH & MURPHY 2132 Market Street Camp Hill, PA 17011 (717) 975-9446 pmurphy@dplglaw.com Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

James E. Beaston, Jr. **Debtor 1**

Chapter 13

Case No. 1:19-BK-00681-HWV

Matter: First Amended Plan

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, September 4, 2019, I served a true and correct copy of the **First Amended Chapter 13 Plan and Notice of Opportunity to Object and Hearing** in this proceeding via electronic means or USPS First Class Mail upon the recipients as listed in the Mailing Matrix. Additionally, pursuant to Rule 7004 of the US Bankruptcy Code, I have served a true and correct copy of the documents as listed above via USPS First Class Certified Mail upon the following:

Capital One Bank (USA), NA Attn: Richard Fairbank, CEO 4851 Cox Road Glen Allen, VA 23060

Cavalry SPV I, LLC Attn: Timothy Stapleford, CEO 500 Lake Summit Drive, Suite 400 Valhalla, NY 10595

Midland Credit Management, Inc. d/b/a Midland Funding, LLC Attn: James Black, CEO 8875 Aero Drive, Suite 200 San Diego, CA 92123

New Century Financial Services, Inc. Attn: Eric Sombers, CEO 110 South Jefferson Street, Suite 104 Whippany, NJ 07981

PRA Group, Inc. d/b/a Portfolio Recovery Associates, LLC Attn: Kevin Stevenson, CEO 120 Corporate Boulevard Norfolk, VA 23502 Michael Ratchford, Esquire Ratchford Law Group, LC 409 Lackawanna Avenue, Suite 320 Scranton, PA 18503 Attorney for Capital One Bank (USA), NA

David Apothaker, Esquire Apothaker Scian, PC 520 Fellowship Road, Suite C306 Mount Laurel, NJ 08054 Attorney for Cavalry SPV I, LLC

Joshua McNamara, Esquire Hayt, Hayt & Landau, LLC 2 Industrial Way West Eaton, NJ 07724 Attorney for Midland Funding, LLC

Ralph Gulko, Esquire
Pressler, Felt & Warshaw, LLP
7 Entin Road
Parsippany, NJ 07054
Attorney for New Century Financial Services, Inc.

Robert Polas, Jr., Esquire
Portfolio Recovery Associates, LLC
120 Corporate Boulevard
Norfolk, VA 23502
Attorney for Portfolio Recovery Associates, LLC

/s/ Kathryn S. Greene

Kathryn S. Greene, Pa.C.P., Paralegal for Paul D. Murphy-Ahles, Esquire

Label Matrix for local noticing 0314-1 Case 1:19-bk-00681-HWV Middle District of Pennsylvania Harrisburg Wed Sep 4 16:57:53 EDT 2019 Capital One Bank USA, NA PO Box 30285 Salt Lake City, UT 84130-0285

Charles J DeHart, III (Trustee)
8125 Adams Prive Suite ADNIC
Hummelsteen P.C.7086820NIC

PO POLICIPAL SCLERO ATE

(p) M&T BANK
LEGAL DOCUMENT PROCESSING
626 COMMERCE TRIVE
AMHERST NY 14228-2307

Paul Donald Murphy-Ahles
Dethlefs Pykosh & Murphy
2132 Tarket Street TRONC
Camp Hill, PA 17011-4706

OneMain Financial 601 NW 2nd Street PO Box 3251 Evansville, IN 47731-3251

(p)PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541-1067

Resurgent Capital Services
PO Per 10587 Las Con TE

United States Trustee

228 Walnut Street, Suite ONIC
Harrisours, Ex C11-R2ONIC

Apothaker Scian, PC 520 Fellowship Road, Suite C306 PO Box 5496 Mount Laurel, NJ 08054-5496

(p) CAVALRY PORTFOLIO SERVICES LLC
500 STELLUL PLAKE PROATE
VALHALLA NY 10595-2322

Hayt, Hayt & Landau, LLC Two Industrial Way West Eatontown, NJ 07724-2279

M&T Bank
PO PORTION NY 1241-CATE

MIDLAND FUNDING LLC
PO B 2011 PLICATE
Warren, Mr 809-2012 ATE

New Century Financial Services 110 South Jefferson Road, Suite 104 Whippany, NJ 07981-1038

Pressler, Felt & Warshaw, LLP 7 Entin Road Parsippany, NJ 07054-5020

Synchrony Bank c/o PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021

James Warmbrodt
701 Market Street Suit 500 NIC
Philodophic Full 1910 Philodophic

James E. Beaston Jr. 517 Sandra Avenue Harrisburg, PA 17109-5815

Cavalry SPV I, LLC 500 Summit Lake Drive, Ste 400 Valhalla, NY 10595-2321

LVNV Funding LLC PO Box 10587 Greenville, SC 29603-0587

M&T Bank Attn: Legal Document Processing 626 Commerce Drive Amherst, NY 14228-2391

Midland Funding, LLC 2365 Northside Drive, Suite 30 San Diego, CA 92108-2709

ONEMAIN
P.O. COLOR PLANSAIRE, IN LANGUAGE
EVANSAIRE, IN LANGUAGE
EVA

Pinnacle Credit Services, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587

Ratchford Law Group, PC 409 Lackawanna Avenue, Suite 320 Scranton, PA 18503-2059

TD Bank USA / Target Card PO Box 673 Minneapolis, MN 55440-0673

Case 1:19-bk-00681-HWV Doc 38 Filed 09/04/19 Entered 09/04/19 17:03:39 Des Main Document Page 11 of 13 The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Cavalry Portfolio Services PO Box 27288 Tempe, AZ 85285 M&T Bank P.O. Box 840 Buffalo, NY 14240-0840 Portfolio Recovery Associates, LLC PO Box 41067 Norfolk, VA 23541-1067

(d)Portfolio Recovery Associates, LLC POB 12914 Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) M&T BANK

End of Label Matrix
Mailable recipients 28
Bypassed recipients 1
Total 29